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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,928	05/24/2001	Maurice B. Harding JR.	501005.01	4891

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
SUITE 3400
1420 FIFTH AVENUE
SEATTLE, WA 98101

EXAMINER

KIM, CHONG HWA

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,928

Applicant(s)

HARDING, MAURICE B.

Examiner

Chong H. Kim

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 2,10,14,15,21,32,36,37 and 46-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-13,16-20,22-31,33-35,38-45 and 49-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The Examiner acknowledges the applicant's Request for Reconsideration filed Jul 15, 2003 in response to the Office action made on Apr 11, 2003.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the recessed dimension forming a space between the absorbent material and an external part of the vehicle as recited in claims 42 and 43 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5-9, 13, and 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Bolz et al., U.S. Patent 5,501,290.

Art Unit: 3682

Bolz et al. shows, in Figs. 1-7, a device for absorbing fluid leaked from a machined assembly, comprising;

an absorbent material 17 that absorbs fluid leaked from the machined assembly;

a mounting strip 18 attached to a first part of the absorbent material, the mounting strip being removably attachable to an exterior portion of the machined assembly to position a second part of the absorbent material at a location where fluid leaked from the machined assembly is absorbed by the absorbent material;

wherein the location on the machined assembly is proximate to a joint between parts of the machined assembly;

wherein the machined assembly is selected from group consisting of an engine and an automotive vehicle, and where the joint includes a gasket or seal between parts of the machined assembly (inherent);

wherein the gasket or seal is for a part selected from the group consisting of an oil pan, a valve cover, a transmission pan, a differential housing, a rocker-arm cover, an oil filter, and a bearing seal (inherent);

wherein the absorbent material is located at a lower portion of the engine to absorb fluid that flows down the sides of the engine toward the lower portion of the engine; and

the method of attaching the device to a machine assembly.

4. Claims 1, 3, 5-9, 11, 13, and 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Jensen, U.S. Patent 4,695,088.

Art Unit: 3682

Jensen shows, in Figs. 1-3, a device for absorbing fluid leaked from a machined assembly, comprising;

an absorbent material 26 that absorbs fluid leaked from the machined assembly;

a mounting strip 22-25 attached to a first part of the absorbent material, the mounting strip being removably attachable to an exterior portion of the machined assembly to position a second part of the absorbent material at a location where fluid leaked from the machined assembly is absorbed by the absorbent material;

wherein the mounting strip includes a magnetic surface 31-34 to attach the absorbent material to the machined assembly or the engine of a vehicle;

wherein the location on the machined assembly is proximate to a joint between parts of the machined assembly;

wherein the machined assembly is selected from group consisting of an engine and an automotive vehicle, and where the joint includes a gasket or seal between parts of the machined assembly (inherent);

wherein the gasket or seal is for a part selected from the group consisting of an oil pan, a valve cover, a transmission pan, a differential housing, a rocker-arm cover, an oil filter, and a bearing seal (inherent);

wherein the absorbent material is located at a lower portion of the engine to absorb fluid that flows down the sides of the engine toward the lower portion of the engine; and

the method of attaching the device to a machine assembly.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen in view of Morris, U.S. Patent 4,592,448.

Jensen shows, as discussed above in the rejection of claims 1 and 5-7, the device comprising the absorbent material with the mounting strip having magnetic attachment means but fails to show the strip including an interlocking fabric hooks and loops for attaching the absorbent material to the machined assembly.

Morris teaches, in Figs. 1-4, a device comprising a mounting strip that includes interlocking fabric hooks and loops 16 to attach the device to the machined assembly/vehicle.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the magnetic attaching means of Jensen with the Velcro hook and eye type fastener device as taught by Morris in order to provide a more flexibly usable fastener in case the device is used on a non-metallic oil pan.

7. Claims 16-20, 22-31, 33-35, 38-41, 44, 45, 49, 51, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen in view of Morris and in view of Miller, U.S. Patent 4,750,775.

Jensen shows, in Figs. 1-3, a device for absorbing oil or transmission fluid leaked from an oil pan or transmission pan, comprising;

an absorbent material 26 that absorbs the oil or transmission fluid leaked from the oil pan or transmission pan;

a mounting strip 22-25 for mounting the absorbent material to the pan;

the mounting strip having magnetic attaching means 31-34;

the absorbent material being positioned beneath a gasket/flange of the pan to absorb the fluid leaked from the automotive component;

wherein the absorbent material is rolled to form an interior space enveloped by the roll of material 30;

wherein the interior space is filled with a fluid absorbing material;

but fails to show the strip including an interlocking fabric hooks and loops for attaching the absorbent material to the machined assembly and an adhesive material.

Morris teaches, in Figs. 1-4, a device comprising a first mounting strip 16 attached to the device wherein the first mounting strip having a first surface comprising interlocking fabric hooks and loops; a second mounting strip 28 or 32 having a second surface comprising interlocking fabric hooks and loops and a third surface that configured to attach to the pan; the first surface and the second surface mounting strip being removably attachable to the second surface of the second mounting strip.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the magnetic attaching means of Jensen with the Velcro hook and

Art Unit: 3682

eye type fastener device as taught by Morris in order to provide a more flexibly usable fastener in case the device is used on a non-metallic oil pan.

Miller teaches, in Figs. 1-6, a device for absorbing fluid that is leaked comprising an attaching means having adhesive material 38.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the magnetic attaching means of Jensen with the adhesive fastener device as taught by Miller in order to provide a more flexibly usable fastener in case the device is used on a non-metallic oil pan.

As to the matter of three surfaces having different attaching devices, it would have been obvious to a person of ordinary skill in the art to modify the fluid absorbing device as disclosed by Jensen by applying the magnetic or adhesive material on the third surface and other known fastening devices on the first and second surfaces since such a modification would have involved a mere rearrangement of the known fastening devices. A rearrangement of parts that are well known in the art is generally recognized as being within the level of ordinary skill in the art. *In re Japikse*, 86 USPQ 70 (CCPA 1950).

Response to Amendment

8. The Declaration filed on Feb 12, 2003 under 37 CFR 1.131 is sufficient to overcome the Cotton et al., US 2001/0010852 A1 reference. It is agreed that the showing of diligence was not required since the present invention had been actually reduced to practice prior to the effective date of Cotton et al.

Response to Arguments

9. Applicant's arguments with respect to Cotton et al. have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Oil leak preventing device with attachment means.

Kovach, U.S. Patent 5,121,776

Colgan, U.S. Patent 2,899,019

Moon, U.S. Patent 4,577,713

Nelson, U.S. Patent 5,404,848

Ramos, U.S. Patent 4,909,355

Garnatz et al., U.S. Patent 4,875,537

Sumpter, Sr., U.S. Patent 5,711,402

Percival, U.K. Patent 2,279,414 A

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chong H. Kim whose telephone number is (703) 305-0922. The examiner can normally be reached on Monday - Friday; 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

chk
August 15, 2003


CHONG H. KIM
PRIMARY EXAMINER